

PATENT COOPERATION TREATY

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To:

Jyvaskylän Patenttitoimisto
Berggren OY AB
Ohjelmakaari 1
FIN-40500 Jyvaskylä

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20.09.2004

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JYVASKYLÄ

PCT
WRITTEN OPINION OF THE
INTERNATIONAL PRELIMINARY
EXAMINING AUTHORITY

(PCT Rule 66)

Date of mailing
(day/month/year)

15-09-2004

Applicant's or agent's file reference

BP107605/TN

REPLY DUE

within 60 days from
the above date of mailing **14.11.04**

International application No.

PCT/FI 2003/000939

International filing date (day/month/year)

10.12.2003

Priority date (day/month/year)

11.12.2002

International Patent Classification (IPC) or both national classification and IPC

H04M 3/533, H04L 12/58, H04Q 7/38

Applicant

Nokia Corporation et al

1. ☐ The written opinion established by the International Searching Authority:
☐ is ☐ is not
considered to be a written opinion of the International Preliminary Examining Authority.
2. This first (first, etc.) opinion contains indications relating to the following items:
 - ☒ Box No. I Basis of the opinion
 - ☐ Box No. II Priority
 - ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
 - ☐ Box No. IV Lack of unity of invention
 - ☒ Box No. V Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
 - ☐ Box No. VI Certain documents cited
 - ☐ Box No. VII Certain defects in the international application
 - ☐ Box No. VIII Certain observations on the international application
3. The applicant is hereby **invited to reply** to this opinion.

When? See the time limit indicated above. The applicant may, before the expiration of that time limit, request this Authority to grant an extension, see Rule 66.2(e).

How? By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.3. For the form and the language of the amendments, see Rules 66.8 and 66.9.

Also For the examiner's obligation to consider amendments and/or arguments, see Rule 66.4bis. For an informal communication with the examiner, see Rule 66.6. For an additional opportunity to submit amendments, see Rule 66.4.

If no reply is filed, the international preliminary examination report will be established on the basis of this opinion.
4. The final date by which the international preliminary report on patentability (Chapter II of the PCT) must be established according to Rule 69.2 is: **11.04.2005**

Name and mailing address of the IPEA/SE

Patent- och registreringsverket

Box 5055

S-102 42 STOCKHOLM

Facsimile No. **46 8 667 72 88**

Authorized officer

Elisabet Åselius /OGU

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WRITTEN OPINION OF THE
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

International application No.
PCT/FI 2003/000939

Box No. I Basis of the opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ This opinion is based on a translation from the original language into the following language _____, which is the language of a translation furnished for the purposes of:

- ☐ international search (under Rules 12.3 and 23.1(b))
☐ publication of the international application (under Rule 12.4)
☐ international preliminary examination (under Rules 55.2 and/or 55.3)

2. With regard to the elements of the international application, this opinion has been established on the basis of *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed.")*:

☒ the international application as originally filed/furnished

☐ the description:

pages _____ as originally filed/furnished

pages _____ received by this Authority on _____

pages _____ received by this Authority on _____

☐ the claims:

pages _____ as originally filed/furnished

pages _____ as amended (together with any statement) under Article 19

pages _____ received by this Authority on _____

pages _____ received by this Authority on _____

☐ the drawings:

pages _____ as originally filed/furnished

pages _____ received by this Authority on _____

pages _____ received by this Authority on _____

☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

☐ the description, pages _____

☐ the claims, Nos. _____

☐ the drawings, sheets/figs _____

☐ the sequence listing (*specify*): _____

☐ any table(s) related to the sequence listing (*specify*): _____

4. ☐ This opinion has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

☐ the description, pages _____

☐ the claims, Nos. _____

☐ the drawings, sheets/figs _____

☐ the sequence listing (*specify*): _____

☐ any table(s) related to the sequence listing (*specify*): _____

WRITTEN OPINION OF THE
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

International application No.
PCT/FI 2003/000939

Box No. V Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)

Claims

Claims

1.3-4. 6-8. 10-11. 13-14

Inventive step (IS)

Claims

Claims

1.3-4. 6-8. 10-11. 13-15

Industrial applicability (IA)

Claims

Claims

2. Citations and explanations:

The claimed invention relates to a method for realizing a voice message in a simple and economic manner. A voice message for the subscriber, who was not reached, is transmitted as a multimedia message.

Documents cited in the International Search Report:

D1: WO 0135622 A1
D2: EP 1113631 A2
D3: US 2001053687 A1
D4: JP 2002335299 PAJ
D5: EP 1255416 A1
D6: WO 0030374 A2
D7: WO 0133781 A1

D1, D3 and D4 do not disclose a failed attempt for establishing a connection to another subscriber.

D2 reveals a request for establishing a connection, (fig.7a). As a response to a failed attempt (703) for establishing a connection, a messaging service is automatically started (706). A voice message may be created and recorded as a sound clip of a multimedia message and transmitted to the receiver, (paragraphs 0110-0111 and 0128). Thus, claims 1 and 8 are not novel. ?

The message may contain text, pictures or video, (fig.7b; 711). The multimedia message may be automatically transmitted to the receiver, (fig.7b; 713, 714). Thus claims 3, 4, 6, 7, 10, 11, 13 and 14 also lack novelty.

A person skilled in the art would implement the claimed invention in software as a first choice. Accordingly, claim 15 lacks an inventive step.

.../...

WRITTEN OPINION OF THE
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International application No.
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Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of: BOX V.

D4 relates to a communication system for multimedia information that can retransmit even on the occurrence of transmission interruption due to channel trouble or the like. D5 discloses a method for storing and accessing multimedia messaging service information, while D6 reveals a method for forming and communicating among a group of mobile terminals. D7 deals with a method for implementing a multimedia messaging service.